

## September 2018 State Records Committee Case Updates

### District Court Cases

**BYU v. Corbin Volluz**, 4th District, Utah County, Judge Kraig Powell, Case No. 180401369, filed August 21, 2018.

**Current Disposition:** Answer filed by the Committee on September 11, 2018. The parties are combining with the other two BYU cases to request a stay of the proceedings pending the outcome of the Utah Supreme Court *BYU v. Salt Lake Tribune* case. Answer not filed yet by Mr. Volluz.

**BYU v. Truth and Transparency Foundation**, 4th District, Utah County, Judge Thomas Low, Case No. 180401368, filed August 21, 2018.

**Current Disposition:** Answer filed by the Committee on September 11, 2018. The parties are combining with the other two BYU cases to request a stay of the proceedings pending the outcome of the Utah Supreme Court *BYU v. Salt Lake Tribune* case. No answer filed by Respondent yet.

**BYU v. KUTV News**, 4th District, Utah County, Judge Kraig Powell, Case No. 180401367, filed August 21, 2018.

**Current Disposition:** Answer filed by the Committee on September 11, 2018. The parties are combining with the other two BYU cases to request a stay of the proceedings pending the outcome of the Utah Supreme Court *BYU v. Salt Lake Tribune* case. No answer filed yet by KUTV News.

**ACLU v. Davis County**, 3rd District, Salt Lake County, Judge Connors, Case No. 180700511, filed May 21, 2018.

**Current Disposition:** Answer filed by the Committee on June 7, 2018. Answer filed by Davis County on June 29, 2018. Initial disclosures filed by Davis County,

**John Tilleman v. Ogden City**, 3rd District, Salt Lake County, Judge Kelly, Case No. 180901915, filed March 19, 2018.

**Current Disposition:** Answers filed by Ogden City and the Committee on April 9, 2018.

**Lance Rolph v. Utah Dept. of Human Services**, 3rd District, Salt Lake County, Judge Hansen, Case No. 170905372, filed August 23, 2017.

**Current Disposition:** Initial disclosures filed by DHS on January 17, 2018.

**Paul Amann v. Utah Attorney General's Office**, 3rd District, Salt Lake City, Judge Paige Petersen, Case No. 170903997, filed June 21, 2017.

**Current Disposition:** Committee was served with the complaint on October 17, 2017, and an answer was filed on behalf of the Committee on November 8, 2017. Answer filed by the AG's Office on December 11, 2017.

**Utah State University v. Alex Stuckey**, 3rd District, Salt Lake County, Judge Gardner, Case No. 170901815, filed March 21, 2017.

**Current Disposition:** On September 11, 2018, the parties filed a stipulation to dismiss the case with prejudice based upon a settlement agreement reached between Utah State University and the Salt Lake Tribune. The proposed order has not yet been signed by the court.

**Utah County v. Salt Lake Tribune**, 4<sup>th</sup> District, Utah County, Judge Powell, Case No. 170300010, filed Jan. 18, 2017.

**Current Disposition:** A proposed order was filed with the Court on November 8, 2017, proposing that Utah County release some of the documents subject to redaction to the Tribune. The Tribune after reviewing the documents can then request that the Court review the redactions *in camera* to verify that the redactions were properly done. The Court signed the order on November 9, 2017.

**Heber City v. David Larsen**, 4<sup>th</sup> District, Wasatch County, Judge Brown, Case No. 170500006, filed Jan. 17, 2017.

**Current Disposition:** Motion for a directed verdict/summary judgment filed by Mr. Larsen. A response to and memorandum opposing motion for summary judgment filed by Heber City on July 16, 2018. No reply has been filed by Mr. Larsen and no notice to submit has been filed for consideration by the court.

**Matthew Piper v. State Records Committee (BYUPD Case)**, 3<sup>rd</sup> District, Salt Lake County, Judge Scott, Case No. 160904365, filed July 12, 2016.

**Current Disposition:** Interlocutory appeal currently being considered by the Utah Supreme Court.

**Swen Heimberg v. Utah Dept. of Public Safety**, 3<sup>rd</sup> District, Salt Lake County, Case No. 150904273, Judge Bates, filed June 24, 2015.

**Current Disposition:** Proposed protective order for disclosure of documents filed with the Court. Nothing has been filed in the case since March 3, 2017.

**William Sherratt v. Utah Dept. of Corrections**, 6<sup>th</sup> District, Sanpete County, Case No. 140600023, filed April 23, 2014.

**Current Disposition:** January 3, 2016, Court granted Corrections' second Motion to Quash Service. Committee answer was filed on July 20, 2016. Waiting to see if anything will be filed by Sherratt.

### **Appellate Court Cases**

**Matthew Piper v. State Records Committee (BYUPD Case)**, Utah Supreme Court Case No. 20180601.

**Current Disposition:** Interlocutory appeal filed with the Utah Court of Appeals on August 2, 2018. Petition for Interlocutory Appeal granted by Court of Appeals on August 27, 2018. Case certified to the Utah Supreme Court on August 28, 2018.

**Matthew Winters v. West Jordan City**, Utah Court of Appeals, Case No. 20180331.

**Current Disposition:** Writ of Certiorari filed on July 23, 2018.

**Edgardo Mata v. Utah Dept. of Corrections**, Utah Court of Appeals, Case No. 20180051.

**Current Disposition:** Writ of Certiorari filed by Mr. Mata with Utah Supreme Court on June 19, 2018. Writ of Certiorari denied by the Utah Supreme Court on August 9, 2018.

**Utah Legal Clinic v. Salt Lake City Corp.**, Utah Court of Appeals, Case No 20170362.

**Current Disposition:** Notice of oral argument mailed to parties.

**Salt Lake City v. Jordan River Restoration Network**, Utah Supreme Court Case No. 20160098.

**Current Disposition:** Oral arguments held before the Utah Supreme Court on March 14, 2018. Case now submitted to the court awaiting a decision from the court.

## Bryner Court Cases

**Roger Bryner v. City of Clearfield**, 3rd District, Salt Lake County, Judge Gardner, Case No. 160907299, filed Nov. 25, 2016; Utah Supreme Court Case No. 20170729.

**Current Disposition:** Certiorari denied by Utah Supreme Court on February 5, 2018.

**Roger Bryner v. Utah Attorney General's Office, et. al.**, 3<sup>rd</sup> District, Salt Lake County, Judge Laura Scott, Case No. 160906562, filed October 20, 2016. Utah Court of Appeals Case No. 20170235.

**Current Disposition:** An Order of Affirmance issued by the Court of Appeals on August 13, 2018. The Court held that the district court's finding that e-mails between counsel for the State Records Committee and the City of Clearfield were properly classified as protected records pursuant to Utah Code § 63G-2-305(17). The Committee and Clearfield were co-defendants in a lawsuit and therefore shared a common interest and protected under the attorney-client privilege. Mr. Bryner filed a petition for a rehearing of the case and it was denied by the Court of Appeals on September 4, 2018.

**Roger Bryner v. Utah State Records Committee**, 3<sup>rd</sup> District, Salt Lake County, Judge Faust, Case No. 160903793, filed June 15, 2016. Utah Court of Appeals Case No. 20160870, Utah Supreme Court Case No. 20170112.

**Current Disposition:** May 24, 2017, Utah Supreme Court denied request for *writ of certiorari*. Case dismissed by the trial court on May 30, 2017.

**Roger Bryner v. Utah Dept. of Health et. al.**, 3<sup>rd</sup> District, Salt Lake County, Judge Gardner, Case No. 160903244, filed May 23, 2016.

**Current Disposition:** Court put a stay of the proceedings on March 8, 2018 until October 1, 2018 based upon other proceedings taking place.

**Roger Bryner v. City of Clearfield**, 2<sup>nd</sup> District, Davis County, Judge Morris, Case No. 150701062, filed October 20, 2015; Utah Court of Appeals Case Nos. 20160863, 20161089, **20170477**, & 20171016; United States Supreme Court Case No. 17-7806.

**Current Disposition:** Brief filed by Mr. Bryner on July 17, 2018. Appellee's brief is due on September 17, 2018.